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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 THE 24-7 GROUP OF COMPANIES, INC.  
8 a Nevada corporation,

Case No. 3:13-cv-00211-MMD-WGC

9 Plaintiff,  
10 v.  
11 TERRY ROBERTS, an individual;  
12 MELANIE ROBERTS, an individual; and  
13 WELL'S FARGO BANK, N.A., etc.,  
14 Defendant.

ORDER

15 On November 21, 2014, the Court accepted and adopted in full the Report and  
16 Recommendation of United States Magistrate Judge William G. Cobb ("R&R")  
17 recommending this action be dismissed without prejudice due to the failure of Plaintiff  
18 The 24-7 Group of Companies, Inc. ("24-7") to secure successor counsel in this matter.  
19 (Dkt. no. 46.) Plaintiff's chairman, Rune Kraft, now brings a Motion for Reconsideration  
20 ("Motion"), asking the Court to reconsider its decision and allow Plaintiff until January 31,  
2015, to retain counsel. (Dkt. no. 48.) The Motion is denied.

21 A motion to reconsider must set forth "some valid reason why the court should  
22 reconsider its prior decision" and set "forth facts or law of a strongly convincing nature to  
23 persuade the court to reverse its prior decision." *Frasure v. United States*, 256 F. Supp.  
24 2d 1180, 1183 (D. Nev. 2003). Reconsideration is appropriate if this Court "(1) is  
25 presented with newly discovered evidence, (2) committed clear error or the initial  
26 decision was manifestly unjust, or (3) if there is an intervening change in controlling law."  
27 *Sch. Dist. No. 1J v. Acands, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). "A motion for  
28 reconsideration is not an avenue to re-litigate the same issues and arguments upon

1 which the court already has ruled." *Brown v. Kinross Gold, U.S.A.*, 378 F. Supp. 2d  
2 1280, 1288 (D. Nev. 2005).

3 The Motion fails to set "forth facts or law of a strongly convincing nature to  
4 persuade the court to reverse its prior decision." *Frasure*, 256 F. Supp. 2d at 1183. In the  
5 Motion, Mr. Kraft argues that the Court should allow Plaintiff until January 31, 2015, to  
6 secure counsel as it is only a delay of two (2) months, after forty-five (45) months of legal  
7 proceedings in this case. In its order granting the R&R, the Court noted that Plaintiff  
8 received the order granting counsel's motion to withdraw on August 25, 2014. (Dkt. no.  
9 46 at 2-3.) Mr. Kraft appeared telephonically at a hearing on September 5, 2014, and he  
10 was informed that Plaintiff must secure counsel by September 30, 2014. (Dkt. no. 46 at  
11 3.) Plaintiff has yet to retain counsel. In a previous objection, Mr. Kraft asked for ninety  
12 (90) days to raise issues with his counsel to the State Bar of Nevada and, if that does not  
13 resolve his issues with counsel, secure new counsel. (Dkt. no. 45 at 4.) The Court found  
14 that a stay of proceedings for Mr. Kraft to make a complaint to the State Bar of Nevada  
15 was not warranted. (Dkt. no. 46 at 6.) While Mr. Kraft may have a busy schedule, he has  
16 been on notice since at least August 25, 2014, that his counsel withdrew and that  
17 Plaintiff needed to secure new counsel. Since then, Mr. Kraft appeared for a telephonic  
18 hearing on September 5, 2014, filed an objection on October 17, 2014, and filed the  
19 instant Motion on December 5, 2014, all the while failing to secure counsel as required  
20 and ordered.

21 The Motion does not raise any new facts or evidence, show clear error or  
22 manifest injustice in the Court's order granting the R&R, or demonstrate an intervening  
23 change in law. Reconsideration is therefore denied.

24 It is therefore ordered that the Motion for Reconsideration (dkt. no. 48) is denied.

25 DATED THIS 8<sup>th</sup> day of December 2014.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE